S.R 123-1655-6 R Aug 1915

1915-16

(SRA)

File No. 21-15

Serial Nos. 3, 15,

Later references.
(.R39-15(649)

GENERAL AND REVENUE SECRETARIAT.

Preserve

Serial Nos. 3, 15.

Part B for August 1915.

SUBJECT.

D. A. bill of the Excise department.

Sl 3. Proposal-

Forwards the representation of Rao D. Srinivasa Iyengar, Head Quarter Asst. of Excise Commissioner re his Salary for June 1915- in which the Comptroller disallows 4 days' pay as being due to overstay during joining time

W D 1351—GPB—20,000—13-12-15

Sl 15 - Hs order:-

State that pay for the days retrenched by the Comptroller may be allowed to Rao Srinivasa Iyengar-

Dikshitar 31-5-1916.

G.R.S. 11] 1915.

GENERAL AND REVENUE SECRETARIAT.

(S & A)

NOTES.

File No. 21-15

FILE HEADING.

J A bill of the Excise dept-

From Excise Comr

No. 569 Dated 26.7.15 Received

Diary No. 440	Enclos.	Spare Copies.	Serial No. 3

BRIEF ABSTRACT OF LETTER.

Forwards the representation of Mr D. Srinivasa Iyengar, Ho 2nd Asstt of Ex Comr re his Salary for June 1915 - in which the Comptr disallows 4 days pay as being due to overstay al during joining time.

NOTES AND ORDERS.

Mr Srinivasangar was relieved at Chickmagalur on the 28th May (afternoon) and reported for duty on the 5th June at Mysore; but he was directed by the Mysore D.C.,

NOTES—First Sheet.

GPB—30,000—12-8-11

Serial No.

to join the Excise Comrs Office to which place he was subsequently transf He joined the Ex Comr. Office on the 14th Ju

2. Mr Srinivasa Jogan was actually due at Mysore on the 11th June. But having joined on the 5th he evidently loses the benefit of the remaining days, as the number of days allowed in MSR. under Art 104, is only the maximum limit and ~~Comrs~~ there is no provision to claim it again when once he loses it. The Comr however gives the benefit of the full period of joining time till the 11th for joining at Mysore.

~~It~~

3. It is now a point for consideration whether this view of the Comr is correct. Art 114 MSR. deals about change of appointment while in transit

NOTE—Contn. sheet.

GPB—25,000—30-4-15

Serial No.

But having reached the destination according to the first order of transfer viz, Mysore, this Act 1924 may not be appropriately applied as it only contemplates Case when the order of a second transfer reaches the Officer while in transit.

4. Then the next point for Consideration is according to the representation, is, what journey time is to Srinivasa Iyer may be allowed from Mysore to Bangalore. Whether only the days of travel are to be admitted in such Case or a preparation time within the limit of 6 days may be again allowed. In this Connection the point to be noted is that

NOTE—Contn. sheet.

GPB—25,000—30-4-15

Serial No.

when the Offr reaches the place of destination or his Hd Qrs according to the first order of transfer, whether he is to be given preparation time and if so, what that period is. C

35. 5) As a matter of fact when the Officer reaches the place of transfer, he is expected to have sent his Kit & Servants in advance and practically ~~allowed~~ ~~allowed~~ made arrangements to settle down at that place. Such being the Case, there is nothing to prevent ~~Govt~~ preparation time being allowed.

6. Subs for orders. The second order was issued on 27-5-15 PRW 4.8.15 and in it the Ex: Commr was asked to send a wire to the Dy Commr of Khadur if necessary. Please see file put up.

Y.1

NOTE—Contn. sheet.

GPB—25,000—30-4-15

Serial No.

It is not clear if any wire was sent to the Dy Comm^r Kadur Dt. If it had been sent it would have reached the Dy Com^r, Kadur Dt. on the 28^th i.e., the day on which Mr. D. Srinivasiengar was relieved

7. Mr D. Srinivasa Iengar who was transferred to Bangalore while he was in transit from Chickmaglur to Mysore has utilised a few days as preparation Time for the second journey which the Comp^r has disallowed on the ground that he is not Entitled to a second period for preparation. The Comp^r's view that a second period for preparation is not admissible follows the Govt of India ruling given in the Madras Supplement to the C.S.R. Though interpreting the articles 114 & 104 M.S.R strictly, 'joining time' is admissible - which includes preparation time of six days - is admissible for the second journey & the office's contention would appear to be correct.

8. The Supplementary ruling of the Govt of India has not authoritative

NOTE—Contn. sheet.

GPB—25,000—30-4-15

Serial No.

here and the officer is not expected to know it. As the interpretation he has put on the M.S.R. cannot be said to be wrong, ~~his request for this~~ the amp may be asked to pay

A | him ~~for~~ the salary for 3 days which he has retrenched.

9. It is however for consideration if ~~the~~ it is necessary to follow the Govt of India ruling and declare authoritatively that under article

B | 114 ~~act~~ no second period for preparation will be allowed. If it is considered desirable to have such a ruling a note to that effect may be added to this article. Although ~~generally~~ a second period for preparation may not be necessary in many cases, in some cases at least it may be found to be really necessary and it is ~~a matter for orders if in~~ doubtful if it would be proper to deny it in all cases.

Ke. 7.8.15

216

Peter 7/

10 A. Yes

11 B. This should be done.

B Rd

NOTE—Contn. sheet

GPB—25,000—22-3-15

10/8 Put up two drafts

General and Revenue Secretariat. | S/A File No. 21 of 1915.

Serial No.

12. Two drafts portrayed

Put up this draft by 18/8

PRW 16.8.15

13 Tidy draft portrayed

306 PRW 18.8.15 (Seen) by 19.8.15

15 Fair draft as we prepared & placed on file,

PRW

M 24/8

16 Fair draft portrayed

PRW 25.8.15 (1st Member) by 26/8.

Mr. D. Sr. Iyengar had joined duty here when he received order of transfer to Bangalore. He could no longer be held to be in transit ~~except~~ unless it is argued that as he had not taken charge of ~~found~~ the new post, it was transit still. But this seems to be unduly

17. The drafts may be approved.

Dewan

Hon 11.9 10/9/15

NOTE—Contn. sheet.

1427 14.9.15.

GPB—25,000—22-3-15

General and Revenue Secretariat. | S & A File No. 21 of 1915.

Joining & prep. time (114 m. s. R)

Serial No.

18

Please circulate to the Members of Council and send up with a draft submission note.

18.12.15 RG

dem 20/12

(Jud Secy)

(9 Councillors

25/12/15

dem 27/12

30/12

20 apptt.

3.1.16. our 3/1

3.1.16

4/1

24 Draft Sub. Note for up

5.1.16

7.1.16

Dewan)

13/1

3615 15.1.16

P.D.D.

NOTE—Contn. sheet

GPB—20,000—30-6-15

2.

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN February

Serial No.	Subject	Recommendation of Council, or Member of Government in charge, as the case may be	Dewan's recommendation	Orders of His Highness	Order submis (vide
38	Grant to Mr. D. Srinivasa Iyengar, Assistant Commissioner, of pay for 3 days disallowed for overstayal of joining time and insertion of a Note to Art.114, M.S.R., that when an officer is retransferred before the expiry of joining time, the second joining time should not include any period for preparation.	Opinion of Council. The draft Government order and the draft Addendum to the M.S.R. may be approved.	The drafts may be approved. 2.2.16. RD		C

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—

File may be submitted at once ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all c

W D 1860—GPB—200—25 1-16

Submitted to His Highness.

23 In Notification No.Fl.6292-S.R.125-14-3 dated 3rd May 1915, Mr. D. Srinivasa Iyengar, Assistant Commissioner, Excise Department, was transferred from Chikmagalore to Mysore. After reaching the latter place, but before actually taking over charge, he was informed by the Deputy Commissioner, Mysore, that by a subsequent Notification he had been transferred to the Excise Commissioner's Office, Bangalore. The officer who had utilised one -- period of joining time for going from Chikmagalur to Mysore utilised a second period, including period for preparation, for proceeding from Mysore to Bangalore. The Comptroller considered that he overstayed the joining - time admissible by 3 days and retrenched the pay for these days, on the ground that in such cases a second period for preparation of 6 days is not admissible. The Comptroller's view follows the British Indian practice and is supported by a Government of India order.

24 2. Mr. Srinivasa Iyengar has appealed against the Comptroller's retrenchment order contending that Article 114, Mysore Service Regulations, allowing a second period of joining time does not clearly specify that a second period for preparation is not admissible.

25 3. It has been suggested by the Financial Secretary and agreed to by the Members of Council that as the local rules are not definite on the point, Mr. Srinivasa Iyengar may be allowed to draw the pay for the three days retrenched by the Comptroller, but that the British Indian rule may be incorporated in the Mysore Service Regulations to meet future cases of the kind. A draft order and a draft Addendum to the Mysore Service Regulations are

draft for approval (1) & (2)

accordingly put up and they may kindly be approved.

M. Yimoonag

2nd 26/5/16 -

P.D.O

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

96 Grant to Mr. D. Srinivasa Iyengar, Assistant Commissioner, of pay for 3 days disallowed for overstayal of joining time and insertion of a Note to Article 114, Mysore Service Regulation, that when an officer is re-transferred before the expiry of the joining time, the second joining time should not include any period for preparation.

685

97 ***Order.***

~~KRM~~

7/2/16

26 Sanctd RD

11.2.16. RD

Vrm 14/2

14/2

hvj

P.O.

G. R. S. 12]

General and Revenue Secretariat.

GA File No. 24 of 1915.

Serial No.	
15	To The Excise Commr " Comptroller— Rc No M 3985-6 dt 19-2-1916. " " States that the pay for the days retrenched by the Comptroller may be allowed to Mr D. Sreenivasa Roy

NOTE—Contn. sheet.

GPB—20,000—30-6-15

SECTION SHA
No. 20-15
3

Bangalore,
24th July '15.

From

D. Srinivasiengar, Esq., B.A.,
Head Quarter Assistant to the
Excise Commissioner in Mysore.

To

J.S. Chakravarti, Esq., M.A.,
F.R.A.S., etc.,
Financial Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

(through
P. Raghavendra Rao, Esq., B.A., B.L.,
Excise Commissioner in Mysore)

Sir,

I have the honor to enclose herewith the correspondence between the Comptroller, Mysore Government and myself in re my salary for June 1915 and to state as follows:-

1. Copy of Kadur Deputy Commissioner's Mis. No. 3076, dated 28th May 1915.
2. Copy of Mysore Deputy Commissioner's D.O. letter dated 5th June 1915.
3. Comptroller's Memo No. 75, dated 1-7-'15.
4. D.O. letter of 10th July to Comptroller.
5. Comptroller's No. 523, dated 23-7-'15.
6. Supplemental pay bill for June 1915 for R. 70/- audited for R. 40/-.

2. I was relieved at Chickmagalur on the after-noon of the 28th May and was thus due at Mysore for duty on the 11th June (as accepted by the Comptroller himself in his No. 523, dated 23-7-'15). But I reported myself for duty much earlier, viz, on the 5th June, and was directed by the Deputy Commissioner of that District to go back and join the Excise Commissioner's Office as I had been since re-transferred. I accordingly reported myself for duty to the Excise Commissioner at Bangalore on the forenoon of the 14th June after utilizing part of my second joining time.

3. The Comptroller, however, held that the joining time which I was entitled to for going back from Mysore to Bangalore was

was only "one day", i.e., for travelling only and that ~~xxxxxxxx~~ "preparation time" was inadmissible (vide his Memo No. 75, dated 1-7-'15).

4. I beg to respectfully submit that this view is not warranted by the wording of the Mysore Service Regulations. Under Article 103 "joining time" is only one day, if there is no change of station. But when there is change of station, as in the present case (from Mysore to Bangalore), joining time is to be calculated as per Article 104 and then clearly includes both preparation time and journey time.

5. As I was ordered to go back to Bangalore on the 5th afternoon by the Deputy Commissioner, Mysore District, my joining time would begin on the 7th June (6th being a Sunday) and I was due for duty only on the 15th June, whereas I joined the office of the Excise Commissioner at Bangalore on the 14th forenoon. Thus I have not only not exceeded my joining time but have joined a day prior to the due date. I, therefore, request that the Comptroller may kindly be instructed to withdraw his objection and pass the enclosed supplemental bill for the full amount of ₹ 70/- and forward the same to me at an early date.

I have the honor to be,
Sir,
Your most obedient servant,

D. Srinivasayya

Assistant Commissioner,
Excise Commissioner's Office.

No: 569
E. 6.

Forwarded.

P. Raghavendra Rao
Excise Commissioner.
Bangalore. 26.7.15.

27.7.15

Mis. No. 3076.

Office of the Deputy Commissioner,
Kadur District,
Dated, Chickmagalur 28th May 1915.

From

K. Krishna Iyer, Esq.,
Deputy Commissioner,
Kadur District.

To

D. Srinivasa Iyengar, Esq., B.A.,
District Excise Officer, Kadur Dist.,
Chickmagalur.

Adverting to Government Notification No. Fl. 6292/S.R. 125-14-3, of the 3rd Instant, published on page 841 of the Mysore Gazette, dated 6th Instant, transferring him to the Mysore District and appointing Mr. Sheik Abdulla, Amildar, as District Excise Officer of this District, has the honor to request that he will be good enough to hand over charge of the District Excise Office to-day to Mr. Sheik Abdulla and proceed to his new station.

(sd) K. Krishna Iyer,
Deputy Commissioner,
Kadur District.

" Copy "

D. Srinivasa Iyengar
Assistant Commissioner.

D.O.

Office of the Dy. Commissioner,
Mysore District,
Dated, Mysore, 5th June 1915.

Dear Sir,

With reference to your oral report to me this after-noon for duty in this District as District Excise Officer, I write to inform you that intimation has been received that Mr. B. Shamanna is to be District Excise Officer here and you are to be the Head Quarter Assistant of the Excise Commissioner. Please, therefore, report yourself to the Excise Commissioner.

Yours sincerely,
(sd) A. Subramanya Iyer,

D. Srinivasa Iyengar, Esq.,

" Copy "

D. Srinivasa Iyengar

Assistant Commissioner.

Gl. 1] Gazetted Audit DEPARTMENT. (5

OFFICE OF THE

COMPTROLLER, MYSORE GOVERNMENT.

Bangalore, dated 1st July 1915.

Memo No. 78. With One Enclosure

His pay bill for June 1915.

In ~~Foodstuffs~~ the above duly audited for Rs 230-00 the Officer is informed that the Appointment was changed while he was in transit and the fact was communicated thereto by the Deputy Commissioner Mysore on the 30. of the 5-6-15. Under Art 114 M&R he is entitled to joining time from Mysore to Bangalore (that is one day) and 4 days preparation time of 6 days. He was due at Bangalore for duty on the 7 June 915; but he joined it on the 14th and thus overstayed the joining time by 7 days. Under Art 118 M&R he is not to be entitled to any allowance for these 7 days and the same has been retrenched in his pay bill.

Sd/ Illegible Wadekar

Asst Comptroller,
Mysore Government.

D Srinivasa Iyengar Dy Ch. Asst
Head Cross Accountant to the Comptroller
to Comptroller

(6

10th July 1915.

Dear Sir,

Adverting to your Memo. no75 dt 1.7.15 auditing my salary bill for Rs 230/- and disallowing Rs 70/-, I am not aware under what Article of the Mysore Service Regulations or under what Government Order, you state that the "joining time" due to me under Article 114 of the Mysore Service Regulations does not include preparation time but is only one day.

From the definition of Article 104, it is perfectly clear that in all cases "involving a change of station", joining time includes 6 days of preparation plus time for travelling. If, for example, my appointment had been changed from that of District Excise Officer, Bangalore, say, to that of office Assistant to the Excise Commissioner, there being no change of station, it would be perfectly correct to say that only one day is admissible for rejoining my changed appointment. But your Memo omits to take note of the fact that my appointment was changed from

from District Excise Officer of Mysore District to that of office Assistant to Excise Commissioner at Bangalore.

Further, I may bring to your notice the fact that I handed over charge at Chikmagalur on the 28th May (after-noon) and was due, therefore, at Mysore on the 11th June 29th and 31st May and 1st, 2nd, 4th and 5th June being six days of preparation and the travelling time being 2 days (7th and 8th) for road journey from Chikmagalur to Kadur and 2 days (9th and 10th) for railway journey from Kadur to Mysore (I did not travel on Sundays and holidays). And assuming that the Deputy Commissioner had given me order on the 11th June to go back to Bangalore, I would have been due at the latter place (under Article 114) on the 14th June - the day on which, as a matter of fact, I have joined the Excise Commissioner's Office. . You will thus see that even according to your view that no preparation time is admissible for proceeding from Mysore to Bangalore, I am quite in time and that my only fault (if fault it is) lies in my not having taken full advantage of the rules, as I might easily have done but in having joined as soon as my circ--cumstances permitted.

In these circumstances I request that the enclosed supplemental pay-bill for Rs. 70/- may be kindly audited and sent back to me seeing that I am entitled to get the retrenched amount on either view of the case, i.e., whether it be held that a 2nd period of preparation time is, or is not, admissible.

Yours sincerely,

Sd. D. Srinivasachar

To

The Comptroller
of Mysore
Bangalore

"Copy"
DS

G T B—10,000—31-5-15

In future communications on the subject, the No. and date of this letter and the distinguishing letters below the number may be quoted. All communications to be addressed to
The Comptroller, Mysore Govt.
Window Delivery No. 12, Bangalore.

From

DIWAN BAHADUR
J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S., ETC.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

D. Srinivasa Iyengar Esq., B.A.,
Assistant to the Excise Commissioner in Mysore

Dated 22nd July 1915

Despatched 23

Received

General No. 523

~~Ex A x D x~~ No. S.A. 48

Enclosure No. One audit bill for Rs 40/-

In returning herewith duly passed for Rs. 40/- his supplemental bill for Rs. 70/- received with his D.O dated the 10th July 1915, has the honour to observe that having received intimation of his transfer to Bangalore at Mysore on the 5th June last, the joining time admissible to him under article 114 Mysore Service Regulations, was only one day and he was due at Bangalore on the 7th idem. But as under the first order of transfer the maximum period of joining time admissible under the rules was 13 days as shown in the margin, the same has been allowed from the 29th May 1915 and pay for the remaining 3 days

Date and hour of handing over charge at Shikarpur. 28/5/15 P.M.

Relieving time . . . 6 days.
Road journey from Shikarpur to Kadur Railway Station. 2 days.
Railway journey to Mysore — 2 days.
Sundays & holidays not spent in travelling. . . . . 3 days.
Total 13 days.
Due for duty at Bangalore on the 11th June 1915.

(b)

3 days, viz., 11th to 13th June disallowed under article 118 Mysore Service Regulations.

SDV

for Assistant Comptroller.

Claim for ~~do~~ pay during Secon
joining time disallowed. Preferred
by Asstt Comr Nr D. Srinivasaiyangar (11)

G.R.S. 28]

Proddl No

Diary No. of letter replied to

GENERAL AND REVENUE SECRETARIAT.
( )

, the 191 .

Date of issue 19 Febry/16

Signed by Mr Shamanna

Ido, draft as revised by Secy.

SDA File No. 21-15
Serial No. ~~7~~ 15

Proceedings of the Government of His Highness the Maharaja of Mysore

READ— Memo No. 5699
26.7.15 from the Excise Comr in Mysore, forwarding the representation of Mr D. Srinivasaiyangar

ORDER THEREON.—No. Assistant to the Excise Comr, regarding the disallowance by the Comptr of his pay for 3 days from 11th to 13th June

over.

SUBJECT.

Order thereon:- No H 3985=b

19th February 16

Mr D. Srinivasiengar who was transferred from Chickmagalur to Mysore handed over Charge at the former place on the afternoon of the 28th May 15 and reported himself to the Dy Comr, Mysore, on 5.6.15 Being informed by him that an order of Govt had been received in the meantime transferring him to Bangalore, he assumed Charge of his duties at Bangalore on the 14th June 15, having availed himself of a Second period of joining time including six days for preparation from the 6th June 1915

The Camp Commdnt that the Offr has overstayed his joining time on the ground

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

that under Art. 114 M.S.R. he is not entitled to a second period of six days for preparation for the transfer from Mysore to Bangalore. He has accordingly disallowed his pay for 3 days from the 11th to the 13th June 1915. The Corresponding rule in the C.S.R. is interpreted in British India in this way and the Govt of India has distinctly ruled that that is the Correct interpretation (Vide page 42 of the Madras Supplement to C.S.R.)

Mr D. Srinivasa urges however Contends that there is nothing in the M.S.R. to show

GPB—20,000—7-7-14

that the second paying time under Art 114, M.S.R., should not include a second period of six days for preparation and that the amount disallowed by the Comptr may be ordered to be paid to him.

Govt Consider ~~that the Comptr's view is Correct and~~ that a second period of preparation ~~16 days prior~~ from ~~the~~ is not necessary in ~~this~~ a case like ~~this~~. But in ~~the~~ the absence of a definite ruling, ~~however~~ they think that there is some force in the Srinivasamenga's Contention and Consider that pay for the days retrenched by the Comptr may be allowed to him.

A note will be

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

inserted under Art 114 (1)(b)
laying down that the
Second printing bill will
not include any period
for preparation.

26.6.15

For Fin Sec?

To

The Excise Comm
" Comptr with b/c

PRO 26/6/15

G.R.S. 26]

SUBJECT.....

.....

.....

Diary No. of letter replied to 4140

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue

Signed by

Section 98A

File No. 4-15

Serial No.

A + C slip

No.

Page ~~15~~ 35

A+A 1914

Insert the following as note to this Act:-

A Second period of six days for preparation should not be included in Calculating the joining time of an Officer whose appointment is changed during joining time.

(Letter no 29 dt 23.3.16)

24/5

Hdr Jul 10/9/15

PRO 16.8.15

19/8